

REMARKS

Claims 1-9 and 19-42 are pending in the application, with claims 1, 19, 27 and 35 being independent.

The claims have been rejected under section 112, second paragraph, as being indefinite. Claims 1, 19, 27 and 35 have been amended to address the Examiner's concerns. In view of these amendments, applicant requests reconsideration and withdrawal of the rejection under section 112.

Claims 1, 4-9, 19, 22-27, 30-35 and 38-42 have been provisionally rejected for obviousness-type double patenting as being unpatentable over claim 9 of co-pending U.S. Application No. 10/105,282. In making the rejection, the Examiner asserts that the only difference between the rejected claims and claim 9 of the '282 application are minor details and modifications that would have been obvious to one of ordinary skill in the art. Applicant respectfully disagrees.

Each of independent claims 1, 19, 27 and 35 recites an electrode comprising a first conductive layer and a second conductive layer, with each of the first and second conductive layers having different widths. For example, claim 1 recites "forming a third electrode comprising said first conductive layer having a third width that is different from said first and second widths and said second conductive layer having said second width." In order to form the electrode having these features, each of a portion of the first conductive layer and a portion of the second conductive layer is etched selectively. Applicant requests reconsideration and withdrawal of the rejection because claim 9 of the '282 application does not describe or suggest such an arrangement.

Claim 9 of the '282 application in no way recites the formation of layers having different widths. While the Examiner indicates that such different widths would be obvious because the layers would have different widths after the different etching steps, this is not the case. For example, the second etching step of claim 9 would permit simultaneous etching of the first, second and third electrodes such that the resulting fourth, fifth and sixth electrodes would all

Applicant : Tatsuya Arao et al.
Serial No. : 10/622,584
Filed : July 21, 2003
Page : 10 of 10

Attorney's Docket No.: 12732-050002 / US4967D1

have the same width, and not the different widths recited in the claims. Accordingly, the rejection should be withdrawn for at least this reason.

Applicant submits that all claims are in condition for allowance.

Enclosed is a check for \$120 for the one month extension of time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: January 24, 2005



John F. Hayden
Reg. No. 37,640

Customer No. 26171
Fish & Richardson P.C.
1425 K Street, N.W., 11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331